

Message Text

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ORIGIN L-03

INFO OCT-01 NEA-10 ISO-00 PM-07 AID-20 IGA-02 MC-02 COME-00

EB-11 OMB-01 TRSE-00 INR-10 SS-15 NSC-10 DODE-00

INRE-00 SSO-00 NSCE-00 CIAE-00 NSAE-00 /092 R

DRAFTED BY L:L/NEA:ATBROWN:DLS

9/7/73 EXT. 29501

APPROVED BY NEA/IRN:JCMIKLOS

PM/MAS:FARNHAM

PM/MC:VAUGHAN

L:MFELDMAN(INFO)

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FM SECSTATE WASHDC

TO AMEMBASSY TEHRAN IMMEDIATE

C O N F I D E N T I A L STATE 178064

E.O. 11652: GDS

TABS: MHAS, IR, US

SUBJ: SUPPORT CONTRACT FOR BOEING REFUELERS

REF: TEHRAN 6351

1. AS REPORTED MIKLOS-LEHFELDT TELECON SEPT 6, BOEING TEAM THAT MORNING WORKED OUT ADDITIONAL CONTRACT LANGUAGE IN WASHINGTON WITH DEHESH. NEW PARA WOULD BE INCLUDED IN PRESENT PARA 8.4, AS FOLLOWS:

"NOTHING IN THIS PARAGRAPH 8.4 OR IN PARAGRAPH 8.3 ABOVE SHALL PRECLUDE ANY LSC PERSONNEL FROM TERMINATING THEIR EMPLOYMENT WITH LSC AND PERFORMING SERVICES DIRECTLY FOR THE IRANIAN GOVERNMENT UNDER THE CONDITIONS EXCEPTED IN SAID PARAGRAPHS. IN SUCH EVENT, PERFORMANCE OF SERVICES DIRECTLY FOR THE IRANIAN GOVERNMENT BY SUCH TERMINATED PERSONNEL SHALL NOT PREJUDICE THEIR REEMPLOYMENT BY LSC NOR PREJUDICE ANY

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RIGHTS WHICH HAVE VESTED UNDER LSC FRINGE BENEFITS

WITH RESPECT TO SUCH TERMINATED PERSONNEL PRIOR TO THEIR TERMINATION, SUBJECT TO ANY CONDITIONS UNDER THE APPLICABLE FRINGE BENEFITS WITH RESPECT TO TERMINATION OF EMPLOYMENT."

2. BOEING LAWYER ROBERT STOWELL DICTATED FOREGOING TO DEPT LEGAL OFFICER AND REQUESTED DEPT "APPROVAL" PRIOR TO

TRANSMISSION BY DEHESH TO TEHRAN FOR GOI CONCURRENCE. AFTER REVIEW WITHIN DEPT STOWELL WAS TOLD AFTERNOON SEPT 6 THAT DEPT HAD NO OBJECTIONS BUT DID NOT WISH TO SUGGEST OFFICIAL USG APPROVAL OF TERMS OF AMENDMENT. LATTER POINT WAS DUE TO POSSIBILITY OF MERCINARY SERVICES BY AMCITS ANTICIPATED IN THE NEW PARA.

3. FYI, DEPT REGULATIONS (22 CFR, PART 124) REQUIRE MUNITIONS CONTROL APPROVAL OF THIS AGREEMENT, BUT UNDER 22 CFR 124.11 SUCH APPROVAL IS NOT TO BE CONSTRUED AS "EITHER APPROVAL OR DISAPPROVAL OF ANY OF THE BUSINESS TERMS OR CONDITIONS" OF THE AGREEMENT. UNDER PRESENT CIRCUMSTANCES WE ARE VIEWING THIS AMENDMENT AS AMONG "BUSINESS TERMS OR CONDITIONS" OF THE AGREEMENT. BOEING UNDERSTANDS IT MUST NEVERTHELESS SUBMIT AMENDED CONTRACT FOR MC REVIEW.

4. WE ENTIRELY AGREE THAT USG SHOULD NOT BECOME INTER-MEDIARY IN THIS NEGOTIATION AND HAVE BEEN MAKING EVERY EFFORT TO GET BOEING AND GOI TO WORK THIS OUT DIRECTLY. ALTHOUGH EMBASSY MAY WISH TO INFORM MFA THAT AGREEMENT APPARENTLY WAS REACHED SEPT 6 IN WASHINGTON BETWEEN BOEING AND GOI REPRESENTATIVES, WE PREFER YOU NOT GO SO FAR AS TO PROVIDE TEXT, WHICH MFA SHOULD HAVE BY NOW FROM ITS WASHINGTON EMBASSY. RUSH

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